

## **EXHIBIT 2**

**Exhibit B – Documents Considered**

1. Second Amended Complaint with Exhibits (Dkt No. 10)
2. Defendant's Answer and Counterclaims (Dkt No. 13)
3. Plaintiff's Preliminary Infringement Contentions (December 15, 2023)
4. U.S. Patent No. 8,465,408
5. Prosecution history for U.S. Patent No. 8,465,408
6. U.S. Patent No. 8,870,737
7. Prosecution history for U.S. Patent No. 8,870,737
8. U.S. Patent No. 8,926,490
9. Prosecution history for U.S. Patent No. 8,926,490
10. U.S. Patent No. 10,029,111
11. Prosecution history for U.S. Patent No. 10,029,111
12. Joint Claim Construction Chart with Exhibit A-I (Dkt No. 29)
13. Claim Construction Order (Dkt. No. 74 in Case No. 3:21-cv-01330 (S.D. Cal.))
14. *Merriam-Webster Dictionary*, Merriam-Webster,  
<https://web.archive.org/web/20060904110832/https://www.merriam-webster.com/dictionary/improve>. Accessed 11 May 2024. Copyrighted 2006. Recorded September 4, 2006.
15. *Medical Dictionary for the Health Professions and Nursing*. <https://medical-dictionary.thefreedictionary.com/improve>. Accessed 11 May 2024.
16. Defendant's website ([www.brainfrequency.ai](http://www.brainfrequency.ai))